

REMARKS

This Amendment is being filed in response to the Office Action mailed August 24, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 remain in this application, where claims 11-20 have been added.

By means of the present amendment, claims 1-10 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1-10 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the drawings for inclusion of "WO 2004/055858" and "PCT/IB2003/005224" in the upper corners, and "FIG 1" in the middle. Without agreeing with

the Examiner, the noted labels, namely, "WO 2004/055858," "PCT/IB2003/005224" and "FIG 1" have been deleted. Further, the specification is amended for conformance with the amended figure. A replacement sheet including the figure is enclosed. Further, an annotated marked-up version of the sheet including the figure is enclosed for convenience. Applicant respectfully requests approval of the enclosed proposed drawing changes and withdrawal of the drawing objection.

In the Office Action, the Examiner reminded the Applicant of the proper language and format for the Abstract and required a new abstract. In response, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Office Action, the Examiner objected to the specification and suggested adding headings to the specification. Applicants gratefully acknowledge the Examiner's suggestion, however respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification. Accordingly, withdrawal of the objection to the specification

respectfully requested.

In the Office Action, claims 1-5 and 8-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,111,359 (Work) in view of EP 0917180 (Nobuyosi). Claims 6-7 are rejected under 35 U.S.C §103(a) as allegedly unpatentable over Work in view of U.S. Patent No. 6,307,321 (Honda). It is respectfully submitted that claims 1-20 are patentable over Work, Nobuyosi and Honda for at least the following reasons.

Throughout the Office Action, such as on page 5, line 2, column 9, lines 15-29 of Work is cited to allegedly show that the distance between the electrode tips is less than 1.0 mm. It is respectfully submitted that column 9, lines 19-22 of Work specifically recite:

The discharge vessel is made of polycrystalline aluminum oxide, has an internal diameter ID of 3.0 mm and an interspacing between the electrode tips "EA" of 2.0 mm. (Emphasis added)

Further, column 9, lines 26-28 of Work specifically recites:

The distance between each electrode tip and the adjacent end face was about 0.5 mm. (Emphasis added)

That it, the Work electrode tips are separated by a distance of 2.0mm, where each tip is 0.5mm away from an adjacent end face,

resulting in a length L between the two end faces of the discharge space to be 3.0mm, as shown in FIG 3, and recited on column 9, line 29.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 11 which, amongst other patentable features, requires (illustrative emphasis provided):

wherein the distance d between the electrode tips is less than 1.0 mm.

This feature is nowhere taught or suggest in Work. Rather, Work discloses that the distance between the electrode tips, shown in FIG 2 as "EA", is 2.0 mm, as specifically recited on column 9, line 22. Nobuyosi and Honda are cited to allegedly show other features and do not remedy the deficiencies in Work.

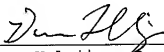
Accordingly, it is respectfully submitted that independent claims 1 and 11 should be allowable. In additions, claims 2-10 and 12-20 should be allowable at least based on their dependence from independent claims 1 and 11.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Enclosure: Replacement drawing sheet (1 sheet including a figure)
Annotated drawing sheet (1 sheet including a figure)
New Abstract

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